

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **VICE CHAIRMAN MIKE TAYLOR**, on March 4, 1999 at 3:00 P.M., in Room 325H Capitol.

ROLL CALL

Members Present:

Sen. Ken Mesaros, Chairman (R)
Sen. Mike Taylor, Vice Chairman (R)
Sen. Tom A. Beck (R)
Sen. Al Bishop (R)
Sen. William Crismore (R)
Sen. Steve Doherty (D)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Bea McCarthy (D)
Sen. Chuck Swysgood (R)
Sen. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Adrienne Pillatzke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 379, 3/4/1999; HB 387,
3/4/1999; HJR 4, 3/4/1999
Executive Action: HB 387

HEARING ON HB 379

Sponsor: REPRESENTATIVE ALLAN WALTERS, HD 60, Hamilton

Proponents: REPRESENTATIVE AUBYN CURTISS, HD 81, Fortine
 REPRESENTATIVE CLIFF TREXLER, HD 59, Hamilton
 REPRESENTATIVE JIM SHOCKLEY, HD 61, Victor
 Ken Hoovestall, MT Snowmobile Association
 Patrick Heffernan, MT Logging Association
 Scott Kolbeck, MT Farm Bureau Federation
 Jack McDonald, Rancher
 Arla Jean Murray, MT Cattle Women
 Richard Everett, MT Wool Grower Association and
 Concerned About Grizzlies
 SENATOR FRED THOMAS, SD 31, Stevensville
 Harvey Hackett, Bitterroot Irrigation District
 REPRESENTATIVE MATT BRAINARD, HD 62, Missoula
 Rose Mary Newman, Stevensville
 Shirley Bugli, Concerned About Grizzlies, Wife and
 Grass Roots for Multiple Use
 Elgin Filkins, Concerned About Grizzlies
 Sara Walters, Self
 REPRESENTATIVE BILL TASH, HD 34, Dillon
 Bruceen Fleenor, Self
 John Bloomquist, MT Stockgrowers Association
 Candace Payne, Woman Involved in Farm Economics
 Carol Walters, Self
 Jean Johnson, MT Outfitters and Guides
 Bill Jenkins, Deer Lodge
 Ken Kershner, Ravalli County Farm Bureau

Opponents: Vanessa Johnson, Sierra Club Grizzly Bear
 Ecosystems Project
 Denise Roth Barber, MT Sierra Club
 Katrina Scheuerman, MT Audubon

Opening Statement by Sponsor:

REPRESENTATIVE ALLAN WALTERS, HD 60, Hamilton, said if HJR 4 is passed it will be sent to the members of a Montana and Idaho Congressional Delegations, the director of The United States Fish and Wildlife service, the President of the US Senate and the Speaker of the US House of Representatives. He entered a letter from Merle Lloyd, **EXHIBIT(fis49a01)** and a *Grizzly Nation* pamphlet, **EXHIBIT(fis49a02)**.

{Tape : 1; Side : A; Approx. Time Counter : 2.6}

Proponents' Testimony:

REPRESENTATIVE AUBYN CURTISS, HD 81, Fortine, supported HJR 4. She explained the resolution was introduced last session and the action which was taken last session.

REPRESENTATIVE CLIFF TREXLER, HD 59, Hamilton, said there are a lot of out-of-state residents paying money to keep the grizzly bears in our backyards. Grizzly bears go wherever they please. He said a lot of the residents in his area feel if the grizzly bears want to be in the Bitterroot Selway area, they would be there now.

REPRESENTATIVE JIM SHOCKLEY, HD 61, Victor, said the grizzly issue is not really about bears, it is about land use. He asked what is more important using the land for people or for bears. He asked if we are going to block the roads for bears, are we not going to log for bears, and are we not going to mine for bears.

Ken Hoovestall, MT Snowmobile Association, said the association support HJR 4. He said more grizzlies to the association is more road closures and fewer trails.

Patrick Heffernan, MT Logging Association, said the association supports HJR 4. He read the association's testimony for the reintroduction proposal on October 24, 1997. The association recommends the committee to pass the resolution.

Scott Kolbeck, MT Farm Bureau Federation, said altering the current balance of wildlife in any area by artificially introducing a species can decimate the levels of other species, especially with the size of the grizzly bear. Montana residents whose livelihood, personal freedom and safety will be jeopardized. He said when a person becomes face to face with a grizzly bear there is no doubt who the endangered species is.

Jack McDonald, Rancher, and former Senator. He commented on an article of Representative Walters by Larry Campbell. He commented on his religious beliefs and the grizzly bear history in Montana.

Arla Jean Murray, MT Cattle Women, read line 23 of the bill. She said on the basis of line 23 they would like to go on record in support of HJR 4.

Richard Everett, MT Wool Growers and Concerned About Grizzlies, provided written testimony, **EXHIBIT(fis49a03)** and two handouts, **EXHIBIT(fis49a04)** and **EXHIBIT(fis49a05)**.

SENATOR FRED THOMAS, SD 31, Stevensville, asked the committee to favorably consider the legislation. Senator Berry asked him to

testify in his behalf. He said their area will be the only human population which would be affected by the reintroduction of the grizzly bear. He said the structure, the food chain and the food amount is not there for the grizzly bear. He said the grizzly bear will be put in harms way as well as the population in Ravalli County.

Harvey Hackett, Bitterroot Irrigation District, noted he is a rancher who is aware of the change in vegetation which has occurred on this proposed grizzly bear range. They are equally concerned over meeting grizzly bears and meeting federal officials who will deny them access to the normal operation of their irrigation facilities. He said the only feed currently for the bears was down in the farm and ranch subdivision country where the livestock are and where the increase in deer and elk are located. He said the relationship between the vegetation in the forest and soil fertility is a point which has not been covered in any of the studies. He commented on the soil fertility.

REPRESENTATIVE MATT BRAINARD, HD 62, Missoula, wanted the committee to consider the economic aspect of the study. The study area takes in the Locksaw area, the Clearwater, the Saint Joe area of Idaho. He said those areas produce vast amounts of timber which came into Montana towns to be milled. He said that represents a vast resource for Montana as well as Idaho. He said if we are trying to keep our resource base and keep our economy in tact. He does not think it should be sacrificed for a study.

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Rosemarie Newman, Stevensville, entered written testimony, **EXHIBIT(fis49a06)**.

Shirley Bugli, Concerned About Grizzlies, Wife and Grass Roots for Multiple Use, provided written testimony, **EXHIBIT(fis49a07)**.

Elgin Filkins, Concerned About Grizzlies, entered written testimony, **EXHIBIT(fis49a08)**.

Sara Walters, Self, provided written testimony, **EXHIBIT(fis49a09)**.

{Tape : 1; Side : A; Approx. Time Counter : 28.2}

REPRESENTATIVE BILL TASH, HD 34, Dillon, said his district is over the hill from the Bitterroot area. He stood in support of the bill for that reason.

Bruceen Fleenor, Self, explained the complications they have had from the black bears in their area. She said if there is plenty of food for the grizzly bears, why would the black bears be down in the residential area. She said if the grizzly bears were up there, they would not just have the paws on the window, they would be through their windows.

John Bloomquist, MT Stockgrower's Association, said when the proposal surfaced the Bitterroot Stockgrowers Association came to the Montana Stockgrowers Association and asked for the associations support in opposition to the Selway Bitterroot reintroduction. Stockgrowers Association has policy opposing the reintroduction and they support HJR 4.

Candace Payne, Woman Involved in Farm Economics, said WIFE has national policy dictating that human rights and private property rights should be considered first and foremost when protection priorities for the Endangered Species Act are established. She said HJR 4 reflects this policy and WIFE supports this legislation.

Carol Walters, Self, told a story of the first day of school for her children when the black bear was in their backyard. She said the community has a lot of food; Dogs, livestock and toddlers.

Jean Johnson, MT Outfitters and Guides, said eight years ago the issue was introducing wolves into the Yellowstone Park area. She listened to citizens protest and did everything they could think of to shut the process down. There was nothing to be done. She said in Yellowstone Park area the grizzly bears are meat eaters and in Bob Marshall Wilderness they are more vegetarians. She asked what are the grizzly bears in the Bitterroot going to eat? She commented on Elgin Filkins' testimony. She said the committee is their last best hope. She recalled the kids grizzly bill which was brought before the Senate Fish and Game Committee sixteen years ago. The point is not if we all honor the grizzly bear, the point is appropriate to introduce the grizzly bear in the Bitterroot.

Bill Jenkins, Deer Lodge, supports HJR 4. He has seen the fiasco of the wolf reintroduction. He said it is going to do the same thing to the Bitterroot. He said it will roll over into the other counties in Western Montana and Eastern Idaho. He thinks we will be better off spending our tax money on education or taking care of the elderly.

Ken Kershner, Ravalli County Farm Bureau, said the bureau is against the reintroduction of the grizzly bears. Their policy book from the county, state and national levels said they are in

favor of taking the grizzly bears and the grey wolves off the endangered species list and turning the management of those animals over to their state where they are found.

{Tape : 1; Side : A; Approx. Time Counter : 39.2}

Opponents' Testimony:

Vanessa Johnson, Sierra Club Grizzly Bear Ecosystems Project, entered written testimony, **EXHIBIT(fis49a10)**, a facts sheet, **EXHIBIT(fis49a11)**, and an issue of *Grizzly Times*, **EXHIBIT(fis49a12)**.

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Denise Roth Barber, MT Sierra Club, presented and read testimony for the Greater Yellowstone Coalition, **EXHIBIT(fis49a13)** and the Alliance for the Wild Rockies, **EXHIBIT(fis49a14)**.

Katrina Scheuerman, MT Audubon, said they were concerned with Section 3 which recommended the grizzly bear be delisted based on population estimates. Population numbers are only one piece of the equation. All wildlife species must have an adequate habitat if they are to survive. They requested at a minimum the resolution recognize the importance of the development and implementation of habitat protection plan for bears before delisting would occur.

{Tape : 1; Side : B; Approx. Time Counter : 7.4}

Questions from Committee Members and Responses:

SENATOR MCCARTHY asked if Vanessa Johnson had a list of people who lived in the Bitterroot Selway area who are members of her organization. **Vanessa Johnson** replied she didn't have a list of their membership with her but she could get the information.

SENATOR EKEGREN noted he is from Choteau and the community has gone through this issue. He said the results are several. Ranchers and farmers are forced to shoulder the expense and the aggravation of having to pay for the damage done by grizzlies. He told of a case where a rancher shot a grizzly in his coral slaughtering his cows and of a rancher who shot a grizzly protecting his property. He commented about his property in Choteau where his family would fish on their property. He said parents today will not allow their kids to fish on his property outside of town. He said the community is now being innaddated with bobcats and mountain lions. He said the Bitterroot residents have every right to be concerned.

SENATOR FRANKLIN said a resolution is a political document because it doesn't force anybody to do anything, it is a statement. She referred to **exhibit #2** where the article said grizzly bear introduction is part of the march to global governance. She asked if Representative Walters believed the introduction of the grizzly bear is part of a march to global governance. **REPRESENTATIVE WALTERS** referred to the picture of the sign to Mammoth National Park. He said it is no longer a national park, it is a world biosphere reserve with an UN sign on it. He thinks there are a lot of people believing the various animals are endangered. He said people from outside of our nation are getting more and more control of our nation. He thinks it is something we should be alter to.

SENATOR FRANKLIN referred to page 7 of **exhibit #2** where it discussed agenda 21. She asked how does HJR 4 relate to agenda 21. **REPRESENTATIVE WALTERS** replied the document does not pertain entirely to the resolution. He said it does have some bearing on the resolution. He referred to the map of the United States in the pamphlet. He said the number one thing is to get the control of the grizzlies back to the state of Montana. **SENATOR FRANKLIN** said she sees citizens who have legitimate concerns. She said in a political context, she does not know if they are doing the citizens a great service. She finds the language in the resolution is inflammatory and it creeps over into the biodiversity document.

SENATOR DOHERTY asked if the state of Montana currently get money under the Endangered Species Act for grizzly bear management and how much. **Arnie Olsen, FWP**, replied we get \$25,000 a year from the US Fish and Wildlife service for section 6 funding. **SENATOR DOHERTY** asked if the grizzly bear is delisted, does the money go away. **Arnie Olsen** replied yes.

SENATOR DOHERTY referred to page 1, line 21 and 22. He asked who has made the determination that the habitat in the Selway Bitterroot Wilderness is considered to be inadequate ecosystem for supporting grizzly bears, what science is there to make the determination and what is the process. **REPRESENTATIVE WALTERS** responded it is not an exact science. He said it would be hard to tell if something is going to have a good food source by using satellite photographs. He commented on the various food which grizzlies eat which is not available in the Bitterroot. He said if there is no food for the black bear, they wonder about the grizzly. **SENATOR DOHERTY** referred to page 2 where it discussed introducing grizzly bears complicating efforts to increase salmon runs in the Selway Bitterroot. He failed to see any logical connection. He asked for some clarification. **REPRESENTATIVE**

WALTERS replied there are few salmon coming up the Selway river. He said the salmon are more endangered than the grizzly bears.

SENATOR DOHERTY referred to the last "where as". He said the language is fairly broad. He asked where does the language come from. **REPRESENTATIVE WALTERS** responded the language came from actual cases as was mentioned by Senator Ekegren. He explained one of the cases. **SENATOR DOHERTY** asked if it would be more appropriate to sit down and discuss what needs to be done for proper enforcement rather than talk about the citizens of the US facing the wrath and becoming victims of their own government. **REPRESENTATIVE WALTERS** replied it is a matter of opinion.

SENATOR WELLS recalled testimony about seven public hearings on the reintroduction of the grizzly bears and 76% in favor. He asked where were the seven hearings held. **Denise Roth Barber** replied she could not answer the question. She just presented the material and was not part of the hearings. **SENATOR WELLS** asked if any of the opponents made any attempt to get any one of the 24,000 people who provided comments to come and testify as opponents to the bill. **Denise Roth Barber** replied yes they did. They were not able to come. She contacted the Sierra Club and asked them to turn people out and they were not able to. She could not speak to the Alliance for the Wild Rockies or the Greater Yellowstone Coalition. **SENATOR WELLS** asked if it seemed over balanced to her that there were 15-20 proponents for the resolution and only three opponents. He also asked if it gave her some cause for concern or does she feel it is about even. **Denise Roth Barber** responded they certainly preferred to have an equal number of opponents. She does not believe that there are more proponents to the resolution than opponents. She commented on her experiences at hearings where there were more opponents than proponents.

SENATOR BECK asked how the Sierra Club Grizzly Bear Ecosystem Project was funded. **Vanessa Johnson** said she cannot answer his question but could get the information for him. **SENATOR BECK** asked if the program was funded with Montana participation. He also asked if there were any grant funds coming from any entity in the state of Montana for the project. **Vanessa Johnson** replied she is not involved in fund raising and she couldn't answer the question.

SENATOR BECK asked what Vanessa Johnson based her study on the Greater Yellowstone ecosystem against and how does she define unprecedented levels of development in the Greater Yellowstone ecosystem. **Vanessa Johnson** replied she looked at trends in rural residential development going back to 1975. She said the development trends in Montana from that time period show three

development booms. The development boom in the 1990's was distinctly higher than the development boom which occurred in the 1980's as well as 1970's.

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SENATOR BECK asked if that shows there are more people moving into Montana. **Vanessa Johnson** responded yes, it is the implication.

SENATOR BECK asked how many grizzly bears are in the Bob Marshall Wilderness and Glacier Park area. **Vanessa Johnson** said there was a lot of controversy surrounding the amount of grizzly bears in Montana. She could get the information. **SENATOR BECK** said he imagined there are 3,000-4,000 grizzly bears in Montana. He asked if he was correct. **Vanessa Johnson** replied the number is quite high. **SENATOR BECK** responded with 1,000 grizzlies.

Vanessa Johnson replied the number still was quite high. **SENATOR BECK** said 50 grizzly bears. He wanted to point out the study is comparing 50 animals killing 1 or 2 people versus 100 million cattle or 200 million dogs. He said if a study is going to be conducted it has to be put into perspective. The people in the Selway Bitterroot are concerned about 50 grizzly bears being in the area and doing damage to human life.

SENATOR BISHOP asked where are the grizzly bears now if they originally were on the plains. **Jack McDonald** replied they are in the mountains. **SENATOR BISHOP** asked why are they in the mountains. **Jack McDonald** replied they were driven in the mountains by the gun. **SENATOR BISHOP** asked if the people drove the grizzlies into the mountains. **Jack McDonald** responded he was correct.

SENATOR BISHOP asked if the grizzlies cannot live in the mountains, where are they going to live. **Jack McDonald** said they don't need to live as far as he was concerned. There are enough in the Bob Marshall Wilderness. He believed the grizzly bears should be removed out of Glacier Park so humans could enjoy it.

SENATOR BISHOP asked if it was safe for him to say he would like to see the grizzly bear destroyed all together. **Jack McDonald** replied he did not say that. He said it is great to preserve the grizzly bear but they can preserve them in the Bob Marshall Wilderness not everywhere in Montana. **SENATOR BISHOP** replied as long as they are not in his mountains so they are in someone else's mountains. **Jack McDonald** said he sympathies with the people who have to live with the grizzly bears.

SENATOR BISHOP noted Jean Johnson testified if the grizzly bears are introduced into the area, it will cut down on the elk herds and it will be tough going for the outfitters. He commented on the elk herds of the 1940's and 50's in Yellowstone Park. He asked about the grizzly bears destroying the elk herds. **Arnie Olsen** replied he could not respond to the question. He said bears will take elk on occasion. **SENATOR BISHOP** said in 1927 there was 40,000 elk in the continental United States. Seventy years later there were about 800 thousand to a million. He said there is no way a few grizzly bears were going to make a dent in a big elk herd.

SENATOR FRANKLIN asked if Representative Walters would be open to any amendments to the resolution. **REPRESENTATIVE WALTERS** said the resolution shows the frustration of the people. He would not reject amendments to the resolution.

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Closing by Sponsor:

REPRESENTATIVE ALLAN WALTERS, HD 60, Hamilton, said the committee could see the concern from the people who came to testify at the hearing. He commented on the animals which the residents have dealt within their community. They don't need another predator which will not be happy in the Bitterroot due to the low food source. He commented on articles on Senator Conrad Burns in the *Billing Gazette* and the *Missoulian*. He said the grizzly bear is a valued part of Montana and the people who testified are not for extermination of the grizzly. They are for being able to live in their area and use the area.

{Tape : 2; Side : A; Approx. Time Counter : 4.4}

HEARING ON HB 379

Sponsor: **REPRESENTATIVE BILL TASH, HD 34, Dillon**

Proponents: **John Bloomquist, MT Stockgrowers Association**
Kartina Scheuerman, MT Audubon
John Kober, MT Wildlife Federation
Patrick Heffernan, MT Logging Association
Candace Payne, Women in Farm Economics
Cary Hegreberg, MT Wood Products
Don Allan, Western Environmental Trade Association
Arnie Olsen, Fish, Wildlife and Parks

Opponents: **Renee Evenson, MT Exotic Bird Club**

Opening Statement by Sponsor:

REPRESENTATIVE BILL TASH, HD 34, Dillon, said the purpose for HB 379 is to allow and encourage Montana's primacy. Montana is home to various species of fish and wildlife who are identified by Federal Land Management agencies as sensitive species or species listed under the Federal Endangered Species Act or petitioned for listing as threatened or endangered. The designation of species is either sensitive, threatened or endangered generally leads to restrictions being placed on landowners and resource users who conduct activities in the habitats where many of these species reside. He said HB 379 would direct FWP to manage their programs in a way which assists in species recovery.

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Proponents' Testimony:

John Bloomquist, MT Stockgrowers Association, said endangered species ramifications generally involve habitat issues and restrictions on the use of lands. He commented on the why the bill was drafted. He commented on what the bill would accomplish. He said there were concerned people who raise exotic birds. The Department of Fish, Wildlife and Parks ensured him that nothing in the bill or their jurisdiction effects their activities.

SENATOR KEN MESAROS resumed chair of the committee.

Kartina Scheuerman, MT Audubon, entered written testimony and proposed amendments, **EXHIBIT(fis49a15).**

John Kober, MT Wildlife Federation, said the federation supports HB 379. The bill balanced the need to recovering endangered wildlife while respecting the social and economic impacts associated with the recovery effort. They recognized the contributions to the wildlife habitat provided by Montana's private landowners. Successful efforts require a state and federal partnership and one which recognizes the private landowner role. He said HB 379 directs the state to work towards a plan which priority's species recovery while integrating social and economic considerations into the plan development.

Patrick Heffernan, MT Logging Association, said the Endangered Species Act was often being implemented without consideration for state driven conservation management actions for listed and

candidate species. The association believed the bill would help to affirm to state management actions as specific component for the recovery of listed and candidate species.

Candace Payne, Women In Farm Economics, said WIFE supports complete and thorough studies of social and economic impacts of proposed changes in the management of sensitive and threatened habitats. She said the studies must be conducted locally relative to the management changes and prior to consideration by the governing agency.

Cary Hegreberg, MT Wood Products, said for the reasons which were previously expressed, they also support HB 379. He said their industry has demonstrated their commitment to work towards the recovery and maintenance of endangered species.

Don Allan, Western Environmental Trade Association, recalled a study group which tried to find a way to make sure the state could convey to the federal government the importance of state and local control of threatened and endangered species. They agreed the more the state would be involved up front and take control in terms of determining the course of action the better off the state would be. He said HB 379 helps move the opportunity in the right direction.

Arnie Olsen, Fish, Wildlife and Parks, entered written testimony, **EXHIBIT**(fis49a16).

{Tape : 2; Side : A; Approx. Time Counter : 23.7}

Opponents' Testimony:

Renee Evenson, MT Exotic Bird Club, said many of the birds they raise in captive breeding programs are listed as endangered, sensitive, or threatened already. They do not see the need for further control or supervision by FWP because they already have federal control by the Endangered Species Act and international control. They are self regulated by a model aviary program. She urged the committee to amend the bill which would exclude specifically birds such as parrots and small soft bills.

Questions from Committee Members and Responses:

SENATOR BECK said the FWP is trying to get some control and support for the Federal Endangered Species Act in HB 379 and they already have control of the Montana Endangered Species Act. He asked if the amendment proposed by the MT Audubon would be

necessary for HB 379. **Arnie Olsen** replied the FWP would have no problem with the amendment. He does not know if the amendment relates directly to the intent of HB 379. **SENATOR BECK** asked if FWP has control over the Montana Endangered Species Act at the present time. **Arnie Olsen** replied since it is state law, they do.

SENATOR MESAROS asked if the MT Stockgrowers Association had amendments or if amendments were forwarded to address the concerns of the opponents. **John Bloomquist** said HB 379 is placed in part of the statute which deals with FWP and their powers and duties. He understood the department did not have any jurisdiction over the captive breeding birds which the federal agencies deal with. He said the bill does not affect the breeders. They prepared an amendment which specified the bill would be under the department's jurisdiction.

SENATOR DOHERTY referred to the testimony of Arnie Olsen and the language of the bill which stated maintaining the species recovery concerning social and economic impact of species maintenance. He asked if the criteria needed to be included, could the criteria be left out of the bill or would leaving the criteria out would it cause the bill great harm. **John Bloomquist** replied we can not tell the US Fish and Wildlife Service what to do on a recovery plan. He said the language talks about the full extent possible. He said there is similar language in the Endangered Species Act. He said the state, particularly FWP, is in a role to do some balancing. He said FWP would be the state agency working with the US Fish and Wildlife Service.

SENATOR DOHERTY referred to Arnie Olsen's testimony. He asked should Montana's hunters and anglers pay for the implementation of the Endangered Species Act. **REPRESENTATIVE TASH** said the example which Mr. Olsen gave regarding the Big Hole Watershed group was a classic example of how you can encourage that kind of solution. He said the bill was worked heavily with the cooperation of FWP and the House Fish and Game Committee.

Closing by Sponsor:

REPRESENTATIVE BILL TASH, HD 34, Dillon, said the bill and the Endangered Species Act only deals with wild animals, pets are not included. He would support amendments to help exclude the exotic bird concerns.

{Tape : 2; Side : A; Approx. Time Counter : 37.1}

Sponsor: REPRESENTATIVE RICK JORE, HD 73, Ronan

Proponents: Arnie Olsen, Fish, Wildlife and Parks
Katrina Scheuerman, MT Audubon

Opponents: None.

Opening Statement by Sponsor:

REPRESENTATIVE RICK JORE, HD 73, Ronan, said HB 387 is a change in the definition of private fish ponds and the criteria for application of a private fish pond license. He entered and explained a letter from the FWP, **EXHIBIT(fis49a17)**. He said his intent is to allow landowners who have pot holes, which are natural body of water, on their private property to be able to apply for a pond license.

Proponents' Testimony:

Arnie Olsen, Fish, Wildlife and Parks, entered written testimony, **EXHIBIT(fis49a18)**.

Katrina Scheuerman, MT Audubon, said they support HB 387 as amended.

Opponents' Testimony: None.

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Questions from Committee Members and Responses:

SENATOR CRISMORE asked if the license for an in stream pond is transferrable if the landowner sold the property. Arnie Olsen deferred the question to Jim Satterfield. Jim Satterfield, Fishery Division, FWP, said the private pond license is exempt when the property is sold to another individual. The individual who buys the land may apply for a license and there is no charge. It is not transferrable from the seller to the buyer. SENATOR CRISMORE said under the present law there was some problem with the in stream pond. He had a private pond license. He asked if HB 387 will solve the problem. Jim Satterfield replied if the pond is licensable at the present time then once the property is sold the new owner would be able to apply for the same license.

{Tape : 2; Side : B; Approx. Time Counter : 2.7}

Closing by Sponsor:

REPRESENTATIVE RICK JORE, HD 73, Ronan, said when an individual owns a pond should be able to utilize it and qualify for a private pond license.

EXECUTIVE ACTION ON HB 387

Motion: SEN. TAYLOR moved that **HB 387 BE CONCURRED IN.**

Discussion:

SENATOR DOHERTY asked if the an individual would still has to get a fishing license and be subjected to the bag limits.

SENATOR TAYLOR replied as he understood it they own the pond and they stock it themselves then they don't have to have a fishing license to fish their own pond.

Vote: Motion **carried unanimously.**

ADJOURNMENT

Adjournment: 5:15 P.M.

SEN. KEN MESAROS, Chairman

ADRIENNE PILLATZKE, Secretary

KM/AP

EXHIBIT (fis49aad)